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By: _____

Gina Simon



PATENT

Customer No. 22,852

Attorney Docket No. 04853.0081-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Atsuo ITO et al.

Application No.: To be assigned
(Continuation of U.S. Application
No. 09/984,947)

Filed: March 15, 2004

For: SUSPENSION OR PARTICLE-
SOLVENT MIXTURE SYSTEM OF
ZINC-CONTAINING CALCIUM
PHOSPHATE MICROPARTICLES
AND THERAPEUTIC AGENT FOR
TREATING ZINC DEFICIENCY (as
amended)

)
)
) Prior Group Art Unit: 1616

)
) Prior Examiner: Frank I. Choi

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application.



OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION

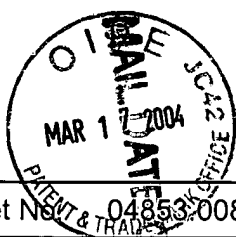
Atty. Docket No.	048580081-01000	Serial No.	TO BE ASSIGNED
Applicant	Atsuo ITO et al.		
Filing Date	March 15, 2004	Prior Group:	1616

U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	5,009,898	Apr. 23, 1991	Sakuma et al.			
	5,605,713	Feb. 25, 1997	Boltong			
	5,834,032	Nov. 10, 1998	Song			
	5,879,698	Mar. 9, 1999	Ellenbogen et al.			
	5,916,597	Jun. 29, 1999	Lee et al.			
	5,935,996	Aug. 10, 1999	Yamaguchi			
	5,965,153	Oct. 12, 1999	Allen			
	6,090,732	Jul. 18, 2000	Ito et al.			
	6,149,932	Nov. 21, 2000	Allen			
	6,261,609 B1	Jul. 17, 2001	Cates, II			
	6,265,438 B1	Jul. 24, 2001	Steward			
	6,299,896 B1	Oct. 9, 2001	Cooper et al.			
	6,307,080 B1	Oct. 23, 2001	Pischel et al.			

FOREIGN PATENT DOCUMENTS

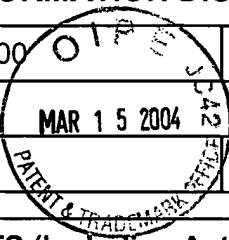
Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
EP 0048473 A1	Mar. 31, 1982	EP			
EP 0702954 A2	Mar. 27, 1996	EP			
EP 1002513 A1	May 24, 2000	EP			
DE 19813614 A1	Sep. 30, 1999	DE			



INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

Atty. Docket No.	04853, 0081-01000	Serial No.	TO BE ASSIGNED
Applicant	Atsuo ITO et al.		
Filing Date	March 15, 2004	Prior Group:	1616



OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	A. Ito et al., "Preparation, solubility, and cytocompatibility of zinc-releasing calcium phosphate ceramics," J. Biomed. Mater. Res., 50, 178-183, 2000.
	H. Kawamura et al., "Stimulatory Effect of Zinc-Releasing Calcium Phosphate Implant on Bone Formation in Rabbit Femora," J. Biomed. Mater. Res., 50, 184-190, 2000.
	M. Otsuka et al., "Calcium Level-Responsive <i>In-Vitro</i> Zinc Release from Zinc Containing Tricalcium Phosphate (ZnTCP)," J. Biomed. Mater. Res., 52, 819-824, 2000.
	M. Otsuka et al., "Calcium Level-Responsive Zinc Ion Release from Tricalcium Phosphate Containing Zinc (ZnTCP)," <i>Bioceramics</i> , Vol. 12, from <u>Proceedings of the 12th International Symposium on Ceramics in Medicine, Nara, Japan, October 1999</u> , eds. H. Ohgushi et al., pp. 571-574.
	Remington's Pharmaceutical Sciences (17 th Ed. 1985), pp. 314-317.
	European Search Report for corresponding European Application No. 01309255.6, mailed January 17, 2003 (3 pages).

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

Copies of the listed documents were previously submitted to, or were cited by, the U.S. Patent and Trademark Office in U.S. Application No. 09/984,947, filed October 31, 2001. Applicants rely upon that application for the benefits provided in 35 U.S.C. § 120.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Please grant any extensions of time required to enter this Information Disclosure Statement and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 15, 2004

By: *Danielle Pasqualone*
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